

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION**

RICHARD KEITH JOHNSON,	)	
	)	
Petitioner,	)	
v.	)	No. 1:15-cv-01057-JMS-DML
	)	
D. ZATECKY,	)	
	)	
Respondent.	)	

**Entry Dismissing Action and Directing Entry of Final Judgment**

The petitioner has been released from the custody of the Indiana Department of Correction. Based on a filing he made in 1:15-cv-01499-JMS-DKL on October 6, 2015, the clerk shall note his current address to be that which is shown in the Distribution portion of this Entry.

Based on the petition for writ of habeas corpus, the petitioner's claim has been asserted to the trial court. The exhaustion requirement of the federal habeas statute was explained to the petitioner and he was given a period of time in which to show cause why the action should not be dismissed without prejudice. The deadline for him to have done so has passed, but without response.

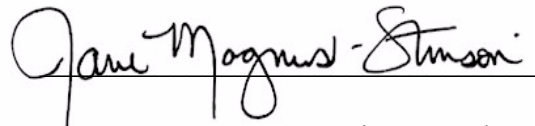
The exhaustion requirement is satisfied once a petitioner fairly presents his claims to each level of the state-court system for those courts' review. *O'Sullivan v. Boerckel*, 526 U.S. 838 (1999). It is apparent from the face of the habeas petition in this case that petitioner Johnson has not met that requirement. Accordingly, the action will be dismissed without prejudice.

Judgment consistent with this Entry shall now issue.

Pursuant to *Gacho v. Butler*, 792 F.3d 732 (7th Cir. 2015), the disposition described above does not result in a final appealable order. Accordingly, the court does not address the issuance of a certificate of appealability.

IT IS SO ORDERED.

Date: November 2, 2015

A handwritten signature in black ink, reading "Jane Magnus-Stinson", written over a horizontal line.

Hon. Jane Magnus-Stinson, Judge  
United States District Court  
Southern District of Indiana

Distribution:

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